

KANAB CITY CORPORATION

MAY 12, 2015

KANE COUNTY COMMISSION CHAMBERS

PRESENT: Mayor Robert D. Houston, Council Members Kirt Carpenter, Cheryl Brown, Kent Burggraaf, and Joe B. Wright, City Recorder Joe Decker, Attorney Jeff Stott and City Treasurer RaeLene Johnson. Council Member Brent Chamberlain excused.

WORK MEETING: Mayor Houston opened the work meeting at 6:35p.m. The Council discussed the budget for the fiscal year 15/16. Council Member Wright asked about the proposed wages for Joe Decker. He wondered what the figure of \$72,236, the proposed yearly wage for Joe Decker, was based on. Mayor said it was a \$400 a month increase which came up to that amount. Mayor Houston felt that Mr. Decker was worth more than he was getting, so he came up with the \$400 amount. It is close to what the previous City Manager was getting. He is working 60 hours a week. Mayor said he has tracked the hours for a month and a half. Council Member Burggraaf expressed he would like to have the pay increases based on a yearly COLA and then give raises based on the number of years of service and merit instead of a straight 3% across the board. Mayor asked Council Member Burggraaf if he had a program that would figure pay increases as he suggested, so the Council could determine how it compares with the current pay increases. Council Member Burggraaf also would like to see each department with a line item for capital improvements that will be needed over time. Mayor felt that was being done to some degree. Council Member Brown liked the idea of having a bucket truck, and also an alternative heating source for the swimming pool. Council Member Carpenter said that he has located a remote control strip runway near Kaneplex. All that is needed is for Garkane to bury the power line in that area. Council Member Carpenter felt that anyone wanting financial support for their economic ventures need to come before the Council including Western Legends. He doesn't like giving Western Legends a flat \$15,000 every year. Mr. Jeff Frey asked what the situation was with the golf course. Mayor said the City has to find out what the owners will allow us to do. He hopes to have something solved by May 31, 2015. Erin Robinson wanted to know why the Council is looking at what the previous Manager's salary was. Mayor said it was just used as a benchmark. She explained to the Council that Joe Decker's wages are for two positions not just one as the previous city manager.

Mayor Houston opened the regularly scheduled meeting at 7:10 p.m. and called the meeting to order and roll call was taken. Prayer was offered by Cheryl Brown and the pledge was led by Kent Burggraaf.

APPROVAL OF AGENDA: A motion was made by Council Member Wright and 2nd by Council Member Brown to approve the agenda with the following change: Moving item 11 (Public Hearing on the proposed Nuisance Ordinance to the # 6 position. Motion passed unanimously. Council Member Chamberlain absent.

APPROVAL OF MINUTES: A motion was made by Council Member Wright and 2nd by Council Member Carpenter to approve the minutes of the April 28 meeting. Motion passed as follows: All Council Members voting yea except Council Member Burggraaf who abstained because he wasn't at the meeting and Council Member Chamberlain who was absent.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS: A motion was made by Council Member Wright and 2nd by Council Member Carpenter to approve the May 12th check register in the amount of \$89,018.99. Motion passed unanimously. Council Member Chamberlain absent.

A motion was made by Council Member Wright and 2nd by Council Member Burggraaf to move item #7 to #5 on the agenda. Motion passed unanimously. Council Member Chamberlain absent.

RESOLUTION RECOGNIZING MAY 22 AS UTAH SUICIDE PREVENTION DAY:

Rob VanDyke, County Attorney, said that Governor Herbert has established May 22 as Suicide Prevention Day in the State of Utah in order to bring awareness to the issue. Suicide is the 8th leading cause of death in Utah and the 2nd leading cause of death for children ages 10 through 17 in Utah. He asked for everyone to support the Kane Community Coalition sponsored Mayor's walk for suicide prevention. Everyone will meet at the courthouse at 6:00 p.m. and walk up to the Jacob Hamblin Park. There will be testimonials and recognition to show support of those who have died. A motion was made by Council Member Burggraaf and 2nd by Council Member Wright to adopt Resolution #5-1-15 R recognizing May 22nd as Utah Suicide Prevention Day and supporting the Kane Community Coalition sponsored Mayor's Walk for Suicide Prevention. Motion passed unanimously. Council Member Chamberlain absent.

PUBLIC COMMENT PERIOD: No comments were received.

PUBLIC HEARING ON THE PURPOSED NUISANCE ORDINANCE: A motion was made by Council Member Wright and 2nd by Council Member Brown to go in and out of the public hearing to discuss the purposed nuisance ordinance at the discretion of the Mayor. Motion passed unanimously. Council Member Chamberlain absent. Jesse Johnson addressed the Council complaining about the motorcycles and ATV's up and around the K-Hill. He thought the trails around the K-Hill were not supposed to allow motorized vehicles. He said that the noise is driving him crazy. Mr. Doug Crosby was concerned about his hobby of restoring old vehicles being in jeopardy because of the new Nuisance Ordinance. He was against spending tax monies for someone else's hobby such as the Remote Control Strip Runway and taking away his hobby. Mr. Bill Cole didn't like the idea of other people telling what someone can do with his property. Everyone has different ideas and opinions. Karen Kelly asked why the City needs a new ordinance. She asked why there was a railroad right-of-way in the ordinance. She said she didn't want Kanab to be an HOA. She didn't want Kanab to become big government. She also asked whose judgment was it to say what is "unsightly". Ms Lisa Livingston stated she felt that property owners should have more rights than renters. She was concerned with slums and slum lords. She felt that hoarding was also a problem. Loud music is also a nuisance. Carol Lee Woods didn't feel there should be a complaint from three neighbors within 500 feet before anything is done. She doesn't want neighbor to be set against neighbor. She would also like detailed records of complaints to be kept to see if there has been any action and when it was done. Marlene Barnes felt the City needed to take "offensive to the senses" out of the general definitions. She felt that someone should be given a certain amount of time to take care of the nuisance depending on the size of their lot. She didn't understand why noxious weeds had to be included as a nuisance. Also the height of weeds and grass over 6 inches be cut and maintained seems a little too much. She also said that if the City is going to write a law, they need to

enforce the law. Collette Cox stated she didn't like to infringe on someone else's rights, but unsightly yards in a neighborhood lowers property value. She would also like commercial property to be looked at more intently. The City should always take heed to the downtown area. Mr. Jeff Frey was still concerned with the trailer sitting on the side of the road going to the zip line. Mayor Houston said that he appreciated all of the comments. He asked everyone to get a copy of the proposed nuisance ordinance and red-line the ordinance with the changes they would like and get it back to him. The Council will review each one and either agree or disagree. Council Member Carpenter explained how the City is trying to get a workable ordinance. The City isn't trying to create a police state. They want to have voluntary implantation as far as possible. He felt that 98% of the people who live in Kanab would like to do something about the appearance of Kanab. There are some slums out there. The City has been working on this ordinance for at least three years. The City is trying to make an ordinance that isn't arbitrary or capricious. He would like Kanab to be a civilized society. Council Member Brown said there were some really good things in the ordinance, but she felt neighbors needed to be more helpful with each other. She asked how we deal with the poor in our community. She felt three people could go to their neighbor to see if they could help instead of three people going to the government. She does believe that things that deal with the health, safety, and welfare is taken care of, but personal choice and hobbies shouldn't be jeopardized. Some things go beyond the mark. She would need to see some changes before she would feel comfortable in approving the ordinance. Council Member Burggraaf said he was against the 6 inch lawn statement. He thinks that is one area that the City could make a concession. He felt that the requirement for three neighbors is a balance between property rights and enforcement and improving our community. If you didn't have that requirement, there would be one or two people who would call daily. Often calling about issues not even in their neighborhoods. The code enforcer would be constantly being called to go and check on different nuisances. The part of the ordinance that is crucial is the enforcement. The nuisance doesn't go straight to fines, but there is a Voluntary Correction Agreement with the City that can be filled out when the resident is notified of their nuisance. This puts the City in a better position to enforce the nuisance if they don't follow the agreement. He expressed that he felt the ordinance allowed two RV's, but he thought one RV per lot should be sufficient. There could be a revision in the ordinance for unregistered cars that are being restored. Council Member Wright agreed with the issue of health, safety and welfare being addressed, but he didn't think the City needed to have vigilantes going around looking for nuisance violations. If it is close to your property and it affects your property rights and property values then file a complaint and the City will try and abate it. Attorney Jeff Stott explained that the new ordinance is a lot cleaner than the old one. He said the definition of a nuisance is the same as the State Code. He said there is no problem with old unregistered cars as long as they are in the back yard. Hoarders are harder to enforce because the City can't go into people's homes. It has to be what the City can see outside. Mayor explained that he will need to have the written comments with suggested changes to the ordinance back to him before the next meeting.

ORDINANCE 5-1-15 O AMENDING KANAB CITY GENERAL ORDINANCE

SECTION 1: A motion was made by Council Member Wright and 2nd by Council Member Brown to adopt Ordinance #5-1-15 O amending the General Ordinance Section 1. Motion passed by roll call vote. Council Member Chamberlain absent.

ORDINANCE 5-2-15 O AMENDING KANAB CITY GENERAL ORDINANCE

SECTION 2: A motion was made by Council Member Wright and 2nd by Council Member Carpenter to adopt Ordinance #5-2-15 O amending the General Ordinance Section 2. Motion passed by roll call vote. Council Member Chamberlain absent.

ORDINANCE 5-3-15 O/AMENDING THE KANAB CITY LAND USE ORDINANCE

CHAPTER 20: In the C1 Zone, the main ground floor for any street front property along Highway 89, where pedestrian or vehicular access can be made from Highway 89, must only be used as commercial use otherwise residential can be allowed in that zone. A motion was made by Council Member Burggraaf and 2nd by Council Member Brown to adopt Ordinance #5-3-15 O amending the Land Use Ordinance Chapter 20. Motion passed by roll call vote. Council Member Chamberlain absent.

ORDINANCE 5-4-15 O AMENDING KANAB CITY SUBDIVISION ORDINANCE

CHAPTER 2 NOTICE REQUIREMENTS: The City shall give notice of the date, time and place of the public meeting regarding the proposed plat amendment at least 10 calendar days prior to the public meeting. The notice shall be mailed and addressed to the record owner of each parcel within 300 feet of that property. A motion was made by Council Member Burggraaf to adopt Ordinance 5-4-15 O amending the Subdivision Ordinance Chapter 2 Notice Requirements. Motion 2nd by Council Member Carpenter. Motion passed by roll call vote. Council Member Chamberlain absent.

A motion to adjourn was made by Council Member Wright and 2nd by Council Member Carpenter. Motion passed unanimously. Council Member Carpenter absent.

MAYOR ROBERT D. HOUSTON

RECORDER JOE DECKER